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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,278	12/29/2000	William R. Matz	00882	8926

7590 06/04/2002
Thomas J. Edgington
Kirkpatrick & Lockhart LLP
535 Smithfield Street
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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 06/04/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,278

Applicant(s)

MATZ ET AL.

Examiner

Minh Trinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 4-18 and 24-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 19-23 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment filed in paper No. 10 (dated 4/22/2002) has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 37 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrases "the removable compass " (claim 37, line 1) lacks proper antecedent basis.

It is not clear as to whether "a rear portion"(claim 1, line 3) is same as "a rear surface" (claims 37 and 38, line 3).

4. Claims 1-2 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5,977,922 to Hemmingsen II. As set forth in Paper No. 8, paragraph 6, dated 10/11/2000.
5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hemmingsen II. As set forth in Paper No. 8, paragraph 6, dated 10/11/2000.

6. Newly added claims 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemmingsen II in view of Chou (US 5,647,134).

Hemmingsen II as replied upon above meets each and every claim limitations with the exception wherein the compass has at least one pin protruding therefrom and the attaching comprises inserting each pin in a corresponding socket formed on a rear surface of the antenna. Chou teaches a compass 20 has a plurality of protruding pins (22, 24) therefrom for attaching to a rear surface of an associated antenna 10 (see Figure 1, col. 1, lines 55-65). It is noted that left hand of the figure is viewed as rear surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teaching of a protrusion engaging compass pin as taught by Chou onto the method invention of Hemmingsen II for the purpose of attaching and/or aligning two pieces together and requires little or no adjustments.

As applied to claims 39-40, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manipulate the order of the process by detaching the after pivoting and/or locking, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954). It is noted that detaching and attaching and/or manipulating of these steps which appears to be not further limit the claimed process known as involves only routine skill in the art.

Response to Arguments

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7. Applicant's arguments filed 4/4/2002 have been fully considered but they are not persuasive.

The amended languages to claims has overcome the objection under 35 USC 112, 2nd paragraph but not overcome art rejection under the applied art. Applicants argue that the applied art does not teach a step "attaching a compass to a rear portion of the antenna". The Examiner with respectively disagrees, the Examiner's position as shown in Figures 2 and 6 that a compass (26) is clearly attached to rear portion of an antenna 24 by looking from the left side of these figures. Therefore, the "attaching ...rear portion" is considered to be met by the applied art. It is noted that Hemmingsen II disclosed items 24 associated with 20 is represented the broadly claimed "antenna" of the present invention, and the rear portion as viewed from the left hand opposed to front portion as viewed from the right of these figures.

For reasons above, Applicant's arguments with respect to Hemmingsen II, is moot.

8. This application contains claims 4-18 and 24-35 drawn to an invention nonelected with traverse in Paper No. 7. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Interviews After Final

9. Applicants note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing). Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search will be denied. See MPEP 714.13 and 713.09.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
May 31, 2002



PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700